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In re Application of	:	
VAN DUN, Jozef, et al.	:	
U.S. Application No.: 10/541,564	:	DECISION ON PETITION
PCT No.: PCT/US2004/002837	:	UNDER 37 CFR 1.182
International Filing Date: 30 January 2004	:	
Priority Date: 30 January 2003	:	
Attorney's Docket No.: 62996A	:	
For: FIBERS FORMED FROM IMMISCIBLE	:	
POLYMER BLENDS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182" filed on 13 January 2006. The petition seeks to correct the name of record for the inventor Miguel A. Prieto (as listed on the international application) to Miguel A. Prieto Goubert (as listed on the declaration filed 06 July 2005). Deposit Account No. 04-1512 will be charged the required \$400 petition fee.

### **BACKGROUND**

On 30 January 2004, applicants filed international application PCT/US2004/002837. The application claimed a priority date of 30 January 2003 and it designated the United States. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 30 July 2005.

On 06 July 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an executed declaration.

On 03 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration filed 06 July 2005 was defective because the name of the seventh inventor on the declaration did not correspond with that inventor's name as set forth on the international application.

On 13 January 2006, applicants filed a "Response To Notice Of Missing Requirements" (with required two-month extension fee). The response included the petition under 37 CFR 1.182 considered herein.

### DISCUSSION

In the published international application, the seventh inventor was identified as Miguel A. Prieto. On the declaration filed 06 July 2005, this inventor was identified as Miguel A. Prieto Goubert. With respect to corrections in an inventor's name, section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, discrepancy in the seventh inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, the present petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Applicants' petition includes the authorization to charge Deposit Account No. 04-1512 for required fees. Based on this authorization, Deposit Account No. 04-1512 will be charged the requisite petition fee of \$400. The petition explains the discrepancy in the inventor's name as follows: (1) the inventor's full name was omitted when the international application was prepared; (2) Miguel A. Prieto Goubert (the name listed on the declaration) is the full name of the inventor identified as Miguel A. Prieto on the international application; (3) the inventor prefers that his full name be used in the present application; and (4) Miguel A. Prieto and Miguel A. Prieto Goubert are in fact the same person.

Based on applicants' statements herein, it is accepted that the correct full name for the seventh inventor herein is Miguel A. Prieto Goubert, as set forth on the declaration filed 06 July 2005.

### CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the seventh inventor herein is **GRANTED**.

The correct full name of the seventh named inventor is accepted as Miguel A. Prieto Goubert, as set forth on the declaration filed 06 July 2005.

Based on the correction of the inventor's name, the declaration filed on 06 July 2005 is acceptable under 37 CFR 1.497. No surcharge is required.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 July 2005.

A handwritten signature in black ink, appearing to read 'RM Ross', written in a cursive style.

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